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## FISCAL IMPACT REPORT

SPONSOR Vigil DATE TYPED 2-5-04 HB 168

SHORT TITLE Maximum Driving and On-Duty Time Violations SB

ANALYST Reynolds-Forte

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
	Minimal		Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Taxation and Revenue Department  
Public Safety Department  
Public Defender

### SUMMARY

#### Synopsis of Bill

House Bill 168 modifies penalties for violating sections of the Motor Vehicle Code pertaining to exceeding the current 10 and 15-hour driving rules and adds new offenses with penalties for exceeding 11 and 15 hour driving rules. The bill also adds new offenses with penalties for not having a log book and for not having a record for the previous seven days

House Bill 168 does not have a specified effective date.

#### Significant Issues

The Department of Public Safety points out that in April of 2003, the Federal Motor Carrier Safety Administration issued significant revisions to the HOS (Hours of Service) regulations. This affects 49 CFR Part 395.3 – Maximum driving time for property-carrying vehicles and 49 CFR Part 395.5 – Maximum driving time for passenger-carrying vehicles. These regulations

went into effect on January 4<sup>th</sup>, 2004 and have been adopted by the State of New Mexico in 18.2.3 NMAC that will go into effect on January 30<sup>th</sup>, 2004. House Bill 168 will put the State of New Mexico in compliance with the federal law.

### **FISCAL IMPLICATIONS**

House Bill 168 adds new offenses with penalties to the Motor Carrier Act. The Taxation and Revenue Department estimates that these changes will have no significant fiscal impact.

### **TECHNICAL ISSUES**

The Taxation and Revenue Department suggests that it might be appropriate to clarify the phrase: "No record for previous 7 days" on page 6 of the proposal. An alternative wording might be something similar to: "No logbook containing records documenting activities during the previous 7 days".

### **OTHER SUBSTANTIVE ISSUES**

The Taxation and Revenue Department notes that this legislation is in compliance with new federal rulings issued Jan 4, 2004. The new federal rulings change the amount of time drivers are allowed to drive. They also reduce the number of hours passenger drivers are allowed to drive.

**PRF/lg:yr**